IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.198 OF 2005

WITH

CIVIL APPLICATION NO.175 OF 2005

Vilas Eknath Nangude ..Appellant.

Vs.

M/s.Sukhadeo Enterprises & Ors. ..Respondents.

...

Mr.Rajeev Patil with Mr.Harshad Bhadbhade for the Appellant.

Mr.S.P.Thorat for Respondent Nos.1 to 12.

...

CORAM : DR.D.Y.CHANDRACHUD, J.

23rd December, 2005.

P.C. :

At the hearing of this Appeal, learned counsel appearing on behalf of the parties have arrived at a working interim arrangement so as to obviate the expression of any opinion on the merits of the respective cases by the Court. Accordingly,

this Appeal shall by consent stand disposed of with the following directions :

i) In the event that the Respondents seek to create any further third party rights in respect of the property forming the subject matter of the suit, over and above those which have already been disclosed before the Trial Court as having been created on the date when the suit has been instituted, the Respondents shall (a) give prior notice to the Appellant of a period of not less than 12 weeks, (b) inform the proposed purchaser of the pendency of the suit instituted by the Appellant;

ii) That the requirement of furnishing notice to the Appellant shall be without prejudice to the rights and contentions of the Respondents and shall not be regarded as any admission on the part of the Respondents as to the legitimacy of the claim of the Appellant;

iii) Upon receipt of the notice from the

Respondents, it will be open to the Appellant to apply before the Learned Trial Judge for interim reliefs and any such application shall be considered without being influenced by any of the observations contained in the order of the Trial Court impugned herein;

iv) The trial of the suit is expedited and the Learned Trial Judge is requested to dispose of the suit as expeditiously as possible and preferably on or before 31st October, 2006.

v) All the rights and contentions of the parties on the merits are kept open to be urged before the Learned Trial Judge;

The Appeal is accordingly disposed of by consent since no other point has been pressed on either side.

In view of the disposal of the Appeal from Order, the Civil Application is rendered infructuous and is accordingly disposed of.